

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

OCT 25 2005

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY RS DEPUTY

GARY D. REED,

Plaintiff,

vs.

JO ANNE BARNHART, Commissioner
of Social Security,

Defendant.

No. CIV-04-1449-W

ORDER

On October 4, 2005, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and recommended that this Court reverse the decision of the defendant, Jo Anne B. Barnhart, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Gary D. Reed disability insurance benefits. The parties were advised of their right to object to the Report and Recommendation, but neither party objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Couch.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on October 4, 2005;
- (2) REVERSES the decision of the Commissioner denying Reed's Application for Disability Insurance Benefits;
- (3) REMANDS this matter to the Commissioner pursuant to sentence 4 of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings in accordance

with Magistrate Judge Couch's Report and Recommendation, and in particular, DIRECTS the Administrative Law Judge upon remand (a) to evaluate Reed's allegations of pain and functional limitations in accordance with proper legal standards, and (b) if he rejects Reed's subjective complaints of pain, to give specific reasons for so doing, affirmatively link his credibility findings and conclusions to objective evidence and address any significantly probative evidence supporting Reed's allegations upon which he chose not to rely; and

(4) ORDERS judgment in accordance with this Order to issue forthwith.

ENTERED this 25th day of October, 2005.


LEE R. WEST
UNITED STATES DISTRICT JUDGE